NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM

PUBLIC HEARING

Held on
Thursday, December 9, 2010

Regarding the NPDES Draft Permit
Application for Discharge
into Navigable Waters
for ArcelorMittal Burns Harbor

BE IT REMEMBERED that the following recorded proceedings were held on Thursday, December 9, 2010, at the Northwestern Indiana Regional Planning Commission, 6100 Southport Road, Portage, Indiana, at 6:00 p.m., stenographically written and transcribed from said recording by me, TERRY M. PICKERING, a duly qualified stenotype reporter and duly commissioned officer of the State of Indiana.

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INDEX OF SPEAKERS

MR. HIGGINBOTHAM: One thing I want to say first thing is thanks, everybody, for coming out this evening to this public hearing concerning this permit. One of the things we're dealing with right now is the court reporter was not able apparently -- is not here, so we're recording this hearing this evening. So I would just ask that when people come up to give their comments, as I do it myself -- so, anyway...

Okay. First, I'd like to do some introductions of the folks who came up from IDEM. My name is Paul Higginbotham. I'm with the Indiana Department of Environmental Management's Office of Water Quality Permits Branch. I'm the branch chief over that permits branch, of which we do the National Pollutant Discharge Elimination System permits, or the rest of the night you'll hear them as NPDES permits.

I brought up -- with us tonight are Steve Roush. He'll be presenting some stuff tonight as well for you folks. He's the permit writer on this permit. Matthew Carmichael, also helping us this evening. He is a permit writer as well. Out front was Stan Rigney, who is the section chief of the Industrial Permit Section; and he is Steve and Matt's boss, direct boss. Also, Amber Finkelstein is with us from media folks to help out. If there's any questions afterwards, she can help coordinate that for us.

So, again, without these guys here, we really

couldn't -- we wouldn't be here today having this discussion. They really work hard trying to address the issues on these. As you can well know, these are pretty complicated permits in some instances. So I really thank them for their abilities and their willingness to come up and help out with this public hearing.

One thing I'd like to go through, out front, as you guys came in, there was a sign-in sheet; and I really encourage folks to sign in if they want to get a copy of any final permit actions on this permit. That's why we utilize that sign-in sheet, to contact folks and to send them any final permit decisions that are made concerning this permit.

In addition to that, out front we had these appearance cards that were out there. And we'd ask folks, if they would like to get up this evening and give oral comments on this permit, to fill these cards out. And I'll be utilizing these to call people up after we do a brief presentation to give comments on this permit. I think we have about five or six so far. If you're still filling them out, please feel free to hand them to an IDEM staff person when you're done filling those out, and we'll utilize those here at the end of the hearing.

Also, if you brought written comments and you'd like to turn those in tonight versus mailing those in, feel free to

do that as well. You can just hand them to any of the IDEM staff, and we'll take those in and they'll be part of the record of this evening's hearing. So feel free to do that at any time.

But the purpose of the hearing, what we're here for, we're here to listen to the public, to listen to anybody that would like to get up and give comment to the draft permit that was public noticed November 9th, I think. Is that right? Yeah, November 9th, for the ArcelorMittal Burns Harbor permit. Again, we're here to listen to your comments and questions. We won't be responding to comments and questions tonight. We're just here to listen and to take any of those comments that are given tonight into any of our decision making on any final permit action that we'll be taking on this permit.

There will be a written response to all comments we receive, both verbal comments as well as written comments, as part of the final permit action. We'll be responding to all of those in writing. So we will respond to them. We just -- we won't be having that response at this evening's hearing.

Also, what we'll be doing tonight is Steve and I will give a real brief presentation about -- I'll give a little bit of background about some general permitting issues, and then Steve will give the specific, more specific details to

the Burns Harbor permit itself. Then after that, we'll open it up for comments from the public.

And with that being said, let me -- and also tonight, if you -- when folks do come up to give comments, if they could say their name, spell it please, if you could. And, also, if you're representing any organization or association, please give that information as well.

All right. As I mentioned, we're here to talk about the ArcelorMittal Burns Harbor NPDES permit renewal that's currently on public notice. It was public noticed, as I mentioned, on November 9th. It's been public noticed for a 45-day comment period. There has been a request for an extension of that comment period. A final decision on that extension has not yet been made. That's still being considered.

As I mentioned, we'll go over some background, some permit history, identify some changes from the previous permit, receive comments from the public, and outline the next steps for this permit process.

And just to give you some background of things, there's another slide here later. It should be right after this, but it kind of goes along with this same thing. But what we do in the Office of Water Quality, we do many pieces to the puzzle of protecting water quality. Permits is just one piece of that. We assess water quality, we're trying to

address the legacy contaminants, tackling nonpoint source pollution. We try to encourage best management practices to address these issues. IDEM's constantly working, trying to cultivate watershed groups throughout the state to help us in our endeavors to make sure that water quality is improved throughout the state of Indiana.

And we're really trying, since -- you know, definitely since 2005 we've taken a very concerted effort to get all permits issued and updated in a timely fashion, because it is embarrassing from the standpoint of this permit is one of the oldest backlogged permits that we have. I mean, that's just the fact of the matter, and we're trying to address that now.

And the piece of this puzzle here in Northwest Indiana is that this is one of the individual permits we're trying to get updated and addressed and issued to help the water quality in Northwest Indiana.

In a nutshell, basically, the clean -- I'm way oversimplifying this. But the Clean Water Act in this type of situation we're dealing with requires all point sources that discharge pollutants into waters of the U.S. to have -- to be covered by an NPDES permit as issued by either EPA or an authorized state. In this situation, Indiana is a delegated state, so we operate the NPDES program within the state of Indiana. Again, that's really oversimplifying it,

but that kind of gives you, in a nutshell, what we are doing here this evening.

Also, to help you out, because some of these permits can be daunting, they're thick, they're big, but they can really be broken down into sections. You have the cover page itself, which is just that. It kind of explains what will be following that cover page. There's a section that is the effluent limits themselves, and those are technology-based effluent limits and water quality-based effluent limits. And that gives you an idea of what's required of the facility to meet.

There's a monitoring and reporting requirements part of the permit itself that lays out what they have to report, how they have to do it. There's a special -- in some permits, there's a special conditions section where things like compliance schedules or special studies and other site-specific requirements may be located.

And then there's a standard conditions section of the permit, which is -- it's applicable to all NPDES permits. It's standard. A lot of it's legal language and it's a template that's required, and you'll find that in all permits.

Also, one of the requirements through a permit is for us to also develop what's called a fax sheet to the permit. That helps explain the legal policy decisions and some of

the methodologies that were used. There you can find the brief description of the types of activities that are covered, the types of discharges that are covered. The rationale for the permit requirements and the limits can be found in that fact sheet. But it just tries to help explain the permit itself.

And, again, even in that situation with these types of permits and a large industrial facility, that, too, can be initially overwhelming until you look at it and go through it and you can try -- after you start looking at it and breaking it down, you start getting a better idea of how that's put together.

In addition, that's what we've done; and if you haven't gotten this yet, I really encourage folks to grab what's called the Citizens' Summary that's out on the front table. Because what we had tried to do to the best of our abilities was to take that fact sheet as well and to try to break it down even more for people to understand without losing too much context of the legal requirements that are within the permit and the fact sheet. So I really encourage folks to take a look at that Citizens' Summary as well.

And, also, all these documents can be found on IDEM's website. If you haven't gotten copies of the permit or the fact sheet already, if you go to IDEM's website, on the front page of IDEM's website, you can scroll about halfway

down and there's a link for this draft permit. If you click on that link, it will take you to all the additional information that we have posted on our website for this permit.

This was the slide I was talking about earlier that maybe should have been up close to this. But IDEM's role in protecting water quality, you know, we break it down. We develop regulations. We issue permits. We restrict discharges to the environment to safe levels. That's what we do; that's what our goal is; and that's what we try to achieve in issuing permits and developing the regulations themselves.

We also have groups that inspect and monitor permitted facilities to ensure that they are compliant with their permits. We have folks within the Office of Water Quality that take enforcement actions for people that exceed and violate their permits. And we also have groups that work to help educate the general public, the facilities, about environmental responsibilities.

So we have different -- there's a lot of different people doing different things but to the same goal, and that's to improve water quality, and these are some of the roles that we do that in.

The permitting process itself is broken down into a facility submits a permit application, at which time IDEM

would then review that application for completeness and make sure everything is there that's needed. If IDEM determines that application is incomplete, we can then request additional information from the facility. They submit that information. IDEM then utilizes the application information that was submitted itself to prepare what's called a "draft permit." That's what's on public notice now is a draft permit. And we put together the justification for what's in that permit, which is in the fact sheet itself.

IDEM then would then place that draft permit on public notice for a minimum of 30 days. In this permit situation here, we went ahead and did an initial 45-day public notice period, at which time the public can ask for a hearing. But we knew, because of the interest in some of these larger facilities in Northwest Indiana, we just went ahead and scheduled these public hearings at the same time we issued the draft permit, because we knew that there would be an interest and people would want to come and hear and give their verbal comments on the permits themselves. So we're in that phase now.

The permit's out on -- the draft permit's out for public notice. We're here to listen tonight to comments. The current comment period ends on December 27th, at which time anything by -- any written comments would need to be sent in by that time frame. And once we get those comments,

IDEM again, as I mentioned earlier, will consider all comments that we receive, comments that are received here tonight, comments that we receive in writing as we go through the process of making our final permit decision.

If changes are made, depending upon what changes are made, we may need to -- we have the ability to public notice the changed permit again and ask for additional comments. It just really depends upon what those changes are, if there are changes. And then once we do that, we issue our final permit decision. You know, whenever that decision may be, it's final. And at that point, we issue a final permit decision. That is then an appealable decision, and there's an 18-day appeal period for that final decision.

We talked already a little bit about this, but the public notice process, this is the very key -- I can't stress this enough. My boss really stresses this. We really want to hear from the public. We want to hear what you have to say. We want to hear from the facility if they have comments. So we really encourage people to give us that input. We do take it seriously and we do want to respond and try to address the issues that we can.

This, too, just goes into that same thing about how we respond to the comments. As I mentioned earlier, then depending upon any changes made, we may or may not re-public notice the permit. It would just depend on what those

changes were.

So, again, that's kind of just a brief -- some basic permitting issues and background. What I'm gonna have Steve do is come up, and Steve will actually give a little bit more specifics to this specific permit and this facility. And after we do that, then I'll come back up and we can then start the actual comment process and calling folks up to give their comments on this permit.

MR. ROUSH: Thanks, Paul. I'm gonna go through these slides and give you a brief synopsis of the permit. And the slide just goes through a little bit of the history.

The last time we issued an NPDES permit for this facility was in 1988, so that's been a long time. We've been working with USEPA on developing this draft permit, and we completed that draft permit this year. EPA just sent us a concurrence letter on this particular draft permit saying they didn't have any objections to it moving forward as is on October 28th. And right after that, we took the action to public notice the permit, which happened on November the 9th.

This is a fancy slide. These are some questions that we anticipated folks may have, and this is a list of the questions, and the next slide will go into more detail on those. So the first question we thought people would want to know is, Where does this facility discharge? Will the

new permit limits allow ArcelorMittal Burns Harbor to increase their discharge of any pollutants? Why did IDEM renew the variance, which is called the 301(g) variance, for ammonia as nitrogen and phenols? Was an antidegradation demonstration required for ArcelorMittal Burns Harbor, this permit? The next question is, What about thermal temperature issues with this permit? They do have a 316(a) variance for the thermal effluent limitations, which we'll be talking about that. And just in general, what's different about this permit?

So we go to the next slide and talk about where they discharge. There's actually -- this permit has four discharges directly to waters of the state and in two internal points. Outfall 001 is the main discharge point. It has -- it consists of all the processed wastewater from Outfall 011, which is referred to as the Secondary Wastewater Treatment Plant. That's what it's been known as at this facility. It also has non-contact cooling water and storm water, and all these waters discharge to the east branch of the Little Calumet River.

Outfall 002 discharges non-contact cooling water and storm water to the east arm of the Port of Indiana, Burns Harbor. It's on the immediate west side of the Burns Harbor facility, pretty much down at the bottom or the southern end of the inland.

Outfall 003 discharges backwash from the lake water pump stations to Lake Michigan. This facility -- that is located on the northeast side of the property facing Lake Michigan.

Outfall 009 is actually a new storm water outfall. It's very close to Outfall 002, and it discharges storm water from that immediate area to the east arm of the Port of Indiana. Outfall 011 is the discharge from what's referred to as the Secondary Wastewater Treatment Plant, which is the main or centralized wastewater treatment facility at Burns Harbor. And that combines with non-contact cooling water and storm water and eventually becomes Outfall 001.

And the new Outfall 111 is the effluent from the sinter plant operations and is designated as the discharge from the final thickener at the Reclamation Services Building. And this outfall also discharges to the Secondary Wastewater Treatment Facility.

So the question of will this permit allow an increase in discharges of any pollutants, and the short answer is no. There are no increases of discharges of any pollutant authorized in this permit; however, this permit does have additional effluent limitations for five different -- well, more than five. I'm thinking of five metals. But there are new effluent limitations for pollutants that were not

limited in the previous permit. And I will go into more detail on that in a minute. This is mostly due to changes in the effluent guidelines and also changes to the water quality criteria. Based on the effluent quality, we determined that some of those pollutants needed to be limited in the permit.

Now we get to the 301(g) variance. The 301(g) variance is a variance that allows for -- it's a variance from the applicable best available treatment requirements through the development of what's called proposed modified effluent limitations for nonconventional pollutants of ammonia, chlorine, color, iron, and total phenols. In this case, the only pollutants that had been requested a variance for are ammonia and total phenols.

There are certain conditions that must be met in order to receive the 301(g) variance. The modified limits, that's the PMELs, will meet technology based best practicable technology limits or water quality base limits, whichever are more stringent. Best practical technology based limits were actually developed before the best available treatment technology limits. So the EPA developed these technology limits in stages, so that's actually one step down from BAT.

The modified limits will not result in any additional requirements on other point or nonpoint sources. In other

words, by getting these limits, you can't require someone else to change their limits.

Modified limits will not interfere with the attainment or maintenance of water quality. So they cannot cause any harm to water quality and must meet water quality standards. And the modified limits will not result in the release of pollutants in amounts that would bioaccumulate, persist, cause acute or chronic toxicity. And that goes back to also maintaining water quality, all parts for water quality standards.

And then we get into the question of why did we tentatively approve this variance again. Well, it goes back to this variance was originally granted by EPA and IDEM in 1988 in that permit. ArcelorMittal has submitted a sufficient application to renew the 301(g) variance showing that they've met all the conditions for the 301(g) variance. All the conditions necessary for the variance were present in 1988 and are present today. Essentially, nothing has changed at the facility in regards to these variances. And the proposed modified effluent limits will result in compliance with Indiana water quality standards and satisfy all the above conditions for 301(g) variances.

Then we come to the question of antidegradation. We actually did conduct an antidegradation review of this to make sure that we were not authorizing any increased -- new

or increased discharges or loadings, and we determined that we really were not. The new limits that are in the permit are there because of new information. We found out more about the effluent than we knew in 1988 that allowed us to put new effluent limitations in. So there really is no antidegradation issue at this particular facility with the permit.

Then we get to the temperature issues. Section 316(a) of the Clean Water Act allows for application of alternative thermal effluent limits. These alternative thermal effluent limits were originally applied for and approved in 1975 in the very first NPDES permit. In 1988, the permit required studies to mitigate the thermal impacts. Apparently they were having some thermal impacts at that time, and there were several studies I found in the record looking for alternatives to different effluent limits or find ways to mitigate the impact to the stream.

And the solution was found in 1990 to add lake water to the discharge to mitigate the thermal impact. So essentially you are adding more dilution to the effluent to Outfall 001 to bring the temperature down to where it does meet these alternate limits.

When we were researching this permit and getting it put together, our model people asked DNR if they noticed any impacts in this stream because of these thermal temperature

discharges. And they indicated to us that they did not notice any impacts on the well-balanced aquatic community. There's something in the fact sheet that discusses that in more detail.

Now ArcelorMittal is provided an opportunity to apply for renewal of alternate thermal limits if they would like thermal limits besides the ones they've already got approval for.

We'll get into what's different. Here are the different pollutant parameters that are now in the permit. We now have new effluent limitations for mercury at Outfall 001, copper at Outfall 001, lead at Outfall 011 with the Secondary Wastewater Treatment Facility. We actually found that the technology based limits were more stringent -- or I mean less stringent than the water quality based effluent limits. So we actually moved the water quality based effluent limits upstream to the actual secondary treatment facility. We have zinc at Outfall 001 and silver at Outfall 001.

There's also new storm water requirements. We're going to have these folks monitor all their storm water discharges on a quarterly basis, four times a year. We have specific storm water conditions added, which are essentially best management practices. You have to do comprehensive studies at your facility to identify all potential sources of storm

water contamination. That's sort of what the non-numeric storm water limits are also talking about. Those are considered to be equivalent to technology based limits for EPA by doing these best management practices and things like that.

The SWPPP, that's the Storm Water Pollution Prevention Plan language developed using the 2008 USEPA storm water multi-sector permit is incorporated into this permit. And that's a national program where EPA issues general permits in states where they have authority. We use that as a guidance on storm water.

Here's where we get into the new internal monitoring point, Outfall 111. The federal effluent guidelines required limits for 2, 3, 7, 8, that is trichlorodibenzofuran. That's -- this is the abbreviation for that, and that's all in the effluent guidelines.

There are new effluent biomonitoring requirements at Outfall 001. They have to do three samples, three monthly samples, in a row. If they fail any two in a row, they have to do a toxicity reduction evaluation and identification.

There's a new cooling water intake structure study, and this is coming out of EPA, as much as anything, because they've been working very hard on 316(b) requirements. And they had us do a real comprehensive look at this permit and all of them right now to make sure that the intake

structures meet what are considered best practical technology. And we believe this facility does, but they've also wanted folks to do a confirmation study. And that's what this is, the cooling water intake structure study.

And we also have -- there's a sanitary wastewater treatment facility at this location that between 1988 and today, I couldn't tell you exactly when, but the Town of Burns Harbor purchased that sewage treatment plant. And that sewage treatment plant is now regulated by an operational permit, and that's a permit that's been on the books prior to the Clean Water Act. It's a permit that acts very much or almost identical to an NPDES permit; only since it was not discharging directly to water of the state, we issued an operational permit instead of an NPDES permit.

And our next steps in the process is the comment period for this permit ends December 27th, which is a 45-day comment period. We're having the public meeting here tonight or the public hearing for this permit. You're welcome back next Tuesday for another public hearing on the U.S. Steel Midwest permit, same place, same time.

As Paul stated before, IDEM and USEPA will review all public comments and we'll make any necessary permit changes to ensure the final permit meets all federal and state requirements. And then once we've modified the permit appropriately, responded to all comments, it's very likely

the permit will be reissued at that time.

And if you have any written comments, I'm the person that gets to look at them and see what our initial response is going to be. So if you need the -- if you'd like to send comments to us, there's my name, our address, my email, and phone number. I'll be glad to talk to you any time you have a question or anything after the hearing.

But I'll give it back to Paul. I think we're going to go from this point back to actually conducting the hearing.

MR. HIGGINBOTHAM: Thanks, Steve.

I just want to check. We have, like I said, it looks like about five or six cards. I don't know if anybody else had wanted to submit a card to give any oral comments at tonight's hearing. Again, if you want to before we're done, feel free to do so and just hand those in.

Also, we'll work on getting the presentation itself up on IDEM's website. I'll try to get that up tomorrow. If I don't get it up tomorrow, I'll get it up first thing Monday on the website so you can see what we went over this evening.

With that being said, I guess I'd like to go ahead and start with the comments themselves. The first speaker I have is Nicole.

MS. KAMINS: Hi. Happy holidays. It's a festive way to spend the season tonight. And I'm gonna do my best to

not have a coughing attack up here. So if I suddenly have to get -- or stop in the middle of my comments, please forgive me.

So I'm going to provide extensive written comments as well. Larry Davis, my colleague on the board, is here.

My name is Nicole Kamins, N-i-c-o-l-e. And the last name is Kamins, K-a-m-i-n-s. I'm the executive director of Save the Dunes.

First, I want to say that IDEM was very proactive this year in setting up the review meeting with environmental groups for this permit and for U.S. Steel Midwest. Despite the fact that we've had many concerns and will not always agree with IDEM on these matters, I wanted to say that we really appreciate their professional, thorough, and respectful manner in responding to our questions and their patience, as well. We were there a very long time.

And thanks as well to Bruno Pigott from IDEM, who is entertaining our request for an extension of the review period as was mentioned earlier. And we acknowledge that IDEM's staff has also worked very hard on these permits and addressed a very serious backlog over time and we certainly appreciate that.

That being said, of course we do have thoughts on this matter. Save the Dunes has long been known in this region as a key champion in protecting water quality and habitats

and other important aspects of quality of life. We have two full-time staff members who are dedicated to studying our waterways, developing watershed plans, implementing best management practices, and contributing to a national model of how to do this kind of work elsewhere in the country. We also empower people to study the water too, and we work with students very actively of all ages, and we're creating powerful partnerships with local universities to create citizen ambassadors to watch our water as well.

So, simply stated, clean water matters to us and to the people who live in Northwest Indiana. It also matters to the adorable fish that swim in the lake and our rivers, the fishermen that catch them, and then we, the people, who eat them. All kinds of creatures and plants rely on uncontaminated water. We all know that.

ArcelorMittal, as was mentioned, discharges into Lake Michigan, the east branch of the Little Calumet River, and Burns Harbor. The Great Lakes are one of the most precious fresh water systems in the world and it is ours. It belongs to the people of the Midwest. We're very lucky to have Lake Michigan here.

And the east branch of the Little Calumet River is also very special, designated as an outstanding state resource water of great pride to the state of Indiana.

In essence, I want to just kind of point out that with

these permits we kind of have to ask ourselves, How clean is clean enough? I just feel that we can do better than what is shown in these permits and that we owe it to ourselves and future generations to ask that these processes become cleaner over time.

Technologies exist in other parts of the world that are cleaner, some of them being led by ArcelorMittal doing great things elsewhere. They should be brought here, these technologies, regardless of the cost to the company, which I understand in some cases could be very significant. I just think that we deserve the cleaner processes right here in Northwest Indiana.

These permits have been administratively extended for many years. Frankly, we're a little bit sad that there are not stronger provisions in them to reduce discharges and eliminate variances. After all, the Clean Water Act and the NPDES program was to eliminate discharges by 1985. I'm just saddened that we're 25 years down the road and still at this point where we're not reducing the variances and reducing the discharges but keeping them the same in the new permits.

And, of course, there's all kinds of technical aspects to these; and I admit I may not understand fully; and I look forward to working with IDEM to kind of answer our questions and clarify our thoughts over time.

So, in reality, and given the legal framework here, what can we ask for? Well, I can tell you we'll have a much more thorough and robust comment section, but just to give you an idea of some of the things we're thinking about, we're looking for diagrams indicating where samples will be taken for monitoring at the facility. We know that there's dilution and other things happening. We just want to get a better understanding of where those samples will be taken to make sure that the data is robust.

IDEM talked to DNR about the impact on fish, but we're hoping they can also chat with them, and we pointed this out at our meeting, about the phenols and ammonia variance that's requested and how that might impact those critters.

Let's see here. The sludges generated by the Secondary Wastewater Treatment Plant will be disposed of on site at their proposed landfill. And despite the fact that Save the Dunes is currently in an appeal of that landfill permit for different reasons right now, my understanding is that the landfill would take a couple years. And we're quite interested in what would happen with that material in the interim before that landfill would be constructed to ensure that that's not running off into our waterways.

I just -- as someone new to the state, I'm hoping to get better information about how often inspections will occur at the federal and at the state level. I think a lot

of people in the general public, including myself a while back, didn't know that, for the most part, the companies regulate themselves and look for concerns over time. And I think that that would just give some reassurance to the public and to us knowing, you know, what is the anticipated schedule for the future in watching out for the actions of the facilities and knowing that they're following everything to the T.

Let's see. We noted that there have been violations in the past for this facility that were noted in the permit; and we'd urge IDEM and EPA to be swift and strict in their enforcement in the future, since this is such a quality-of-life issue for all of us here.

The TBEL, the technology based effluent limits in this case, and I may be misunderstanding this. I hope you guys can clarify it for me when you respond to our comments. But we have the technology based effluent limits in this case for the iron and steel manufacturing point source category. These effluent guidelines use production rates to calculate allowable pollutant loadings. ArcelorMittal submitted a four-year period of data to EPA to evaluate these loadings. And because they have a central wastewater treatment facility at ArcelorMittal, they qualified to have alternative effluent limitations.

EPA tried in 2000 to eliminate this exclusion but it

remains here because -- there's various reasons. As a result, they're using what's called "best practical technology" here, when in reality it is feasible for them to achieve best available technology. And it's really a series of legal issues that result in that not being the case here.

So, again, there are technologies elsewhere in the world that could help fix some of these things, but that the regulatory law isn't in place right now to force them to do that at this time. I know that ArcelorMittal takes great pride and has great environmental projects, and I'm just urging them to bring some of those technologies right here to Northwest Indiana.

I have lots more things I could go through, but I know there's plenty of other folks who want to talk. Let me see here. I know probably my colleague Larry will talk about thermal discharge as well. We're very concerned about the intake structures and their impacts on fish. And one of our major comments here is there is a few things that they are allowed -- they're going to be allowed in the permit to study over time, and intake impacts are one of those things. And we just feel that some of these periods for review or figuring out how to get into compliance for mercury and other things are just too long. In some cases they give them almost to the end of the permit period of

five years to come into compliance; and we certainly hope you'll entertain shortening those time frames if possible.

And I know Bruno and others at IDEM have committed to kind of give us a better explanation of, you know, why it's just so technologically hard to get some of these things under control. And I'm sure there are good reasons for them, and I'd like to hear what they are.

Let's see here. I think that's about it, so thank you for offering us the time to make some comments. I appreciate it.

MR. HIGGINBOTHAM: I'd like the next speaker, Patrick Gorman.

MR. GORMAN: Good evening. My name is Patrick Gorman, and I'm a facilitator for the Indiana Steel Environmental Group. The Indiana Steel Environmental Group is a coalition of Indiana steel companies established to focus on environmental matters of concern to its members. Indiana Steel Environmental Group consists of membership from ArcelorMittal, USA, Incorporated; ArcelorMittal Indiana Harbor; United States Steel Gary Works; United States Steel Midwest Plant; ArcelorMittal Burns Harbor; and Nucor Steel, Crawfordsville.

Together, these companies operate facilities in Indiana that produce over 18 million tons of steel annually and directly employ over 10,000 people. In addition, it's

estimated that an additional 100,000 people are employed by other firms that provide services to these facilities. As a result, these facilities provide a significant contribution to both the state and national economy.

These companies operate facilities that require NPDES discharge permits or industrial pretreatment discharge permits. For years Indiana has not reissued NPDES discharge permits for major industries when they expired. As a result, Indiana has had a large number of expired NPDES permits that were administratively extended. Over the past six years the Indiana Department of Environmental Management has worked to reduce the number of administratively extended permits in Indiana and has reduced the backlog of expired permits from 263 to 5 permits.

The Indiana Steel Environmental Group strongly supports Indiana's goal to reduce the backlog of these expired permits that have been administratively extended. Indiana Steel Environmental Group strongly believes the NPDES permitting process should be carried out in full accordance with the established provisions contained in the Clean Water Act and Indiana's Administrative Code, not more or less.

The Clean Water Act provides an established framework for issuing permits that has been incorporated within Indiana's Administrative Code through significant public review, comment, and EPA's final approval that this code

contains at least all the required elements mandated by the Clean Water Act. It is totally inappropriate to have an established and approved regulatory mechanism for issuing permits and then to selectively abandon the process based on public emotion or the perception of a few.

The ground rules developed for the permitting process were established many years ago based on sound science, were open to public review and discussion, and received EPA's approval before they could be implemented. These rules must now continue to be followed.

In summary, the Indiana Steel Environmental Group urges the USEPA to support the process of states issuing timely NPDES permits that are protective of both human health and environment under the Clean Water Act with limits that are developed and supported by sound science. These permits, properly issued and protective of human health and environment, are in everyone's best interests.

Thank you for your respectful consideration of these comments.

MR. HIGGINBOTHAM: Next speaker, Liz Teague.

MS. TEAGUE: Good evening. My name is Liz, L-i-z, Teague, T as in Tom, e-a-g-u-e. I'm the policy associate for the Alliance for the Great Lakes, a nonprofit organization with a mission to conserve and restore the world's largest fresh water resource through policy,

education, and local efforts in preserving the Great Lakes region as a national treasure.

The majestic fresh water seas composing the five Great Lakes are directly impacted by the millions of gallons of water discharged every day by ArcelorMittal Burns Harbor, one of the largest, fully integrated steel mills in North America. Millions of people depend on the lakes for drinking water, employment, and recreation; and the discharges regulated by this permit will affect all of these uses.

The Alliance appreciates the Indiana Department of Environmental Management's willingness to meet with us and other groups to answer questions and to provide additional information during the public comment period.

The Alliance is also pleased that the draft permit contains more stringent requirements than the current permit; however, there are still some additional areas in which the permit could be made even stronger to protect the Great Lakes.

The Alliance urges IDEM to modify the draft permit to include the following: More stringent limits and additional monitoring for fecal coliform bacteria, phenols, ammonia, manganese, mercury, copper, zinc, silver, and thermal to protect the integrity of the drinking water supply for millions of people; a stronger and clearer prohibition on

new or increased discharges to ensure adequate protections are in place to prevent degradation of water quality; and more specific requirements relating to storm water to minimize the impediment to water quality caused by storm water runoff; to stand on the objectives that I just mentioned, more stringent limits and additional monitoring to the permit to include monitoring for fecal coliform bacteria at Outfall 001 to ensure that all pollutants potentially in the discharge, which includes sanitary wastewater from Outfall 031, are covered by the permit.

In addition, the 301(g) variance in the draft permit for phenols and ammonia should be more stringent, taking into account the fact the discharge goes directly into salmonid waters.

Monitoring and limits for manganese are currently not included in the permit; however, according to the preliminary data of the toxic release inventory for 2009, 9,700 pounds of manganese were released into the Burns Waterway and the Little Calumet River by ArcelorMittal. Weekly monitoring and limits for manganese need to be included in the permit to fully protect the receiving waters.

The 54-month scheduled compliance for Outfall 001 for mercury, copper, zinc, and silver should be shortened to more aggressively reach necessary reductions and should

include specific benchmarks for reducing pollution during the course of the compliance period.

The time period for ArcelorMittal to install a flow measuring device on the water cannon should also be shorter. A period of six months would be more than sufficient to complete installation.

Finally, the 316(a) variance providing alternate thermal effluent limitations allowing discharges of up to 86 degrees at Outfall 001 and up to 90 degrees at Outfall 002 during the summer has been continued in the draft permit without regard to whether ArcelorMittal has met the burden of proof to show that the proposed effluent limitations for the control of the thermal component of the discharge will require effluent limitations more stringent than necessary to assure the protection of fish and wildlife populations. The Alliance urges IDEM to gather more comprehensive data to carefully scrutinize whether such a variance should be continued rather than simply providing an automatic renewal of a variance that was first applied for in 1975.

Going on to a stronger and clearer prohibition on new or increased discharges, on page 55 of the permit in part 2, section A, paragraph 16, the permit should contain precise definitions of the terms "deliberate action" and "above normal variability" so that ArcelorMittal and the public have a clear understanding of the types of actions that are

prohibited that would result in degradation of the water quality of Lake Michigan.

Finally, the storm water monitoring set forth in part 1, section H, paragraph 1 should contain specific parameters used for monitoring and should contain numeric goals to determine whether minimization of pollution is achieved. Although the Alliance applauds the addition of non-numeric standards for storm water to the permit, both the storm water monitoring and storm water pollution prevention plan sections of the permit need to contain more specific measurable requirements.

The Alliance will be supplementing my statement with additional written comments prior to the deadline. Thank you very much for your time.

MR. HIGGINBOTHAM: The next speaker is Larry Davis.

MR. DAVIS: Thank you. I'm Larry Davis. I reside at 268 South 600 West, Hebron, Indiana; and I'm also employed by the ArcelorMittal Burns Harbor Plant.

I'd like to thank IDEM for this opportunity to comment and this wonderful Christmas present of two NPDES permits to comment on at the same time. I'd also like to thank the extraordinary effort of meeting with us last Thursday for numerous hours to answer questions. And I'd also like to ask for an extension of the comment period on both this and the Midwest Steel, U.S. Steel Midwest permit.

I think it's interesting, to make a little bit of a quick comparison between those two activities, in regards to the behavior of ArcelorMittal and U.S. Steel. In the case of U.S. Steel, there was an additional public meeting offered to answer questions by the company. And in that permit we actually are building a new treatment plant and we are actually eliminating a discharge and instead treating that discharge. And that's not the case, unfortunately, with the ArcelorMittal permit.

So I'd like to frame this by starting out with reading the first two goals of the Clean Water Act. It is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985. The second goal is the national goal that whenever attainable an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides recreation in and on the water be achieved by July 1st, 1983.

So where are we today? 35 years after the discharge of anthropogenic waterborne pollutants was to be eliminated and 17 years after this particular discharge permit expired, we find ourselves commenting on the National Pollution Discharge Elimination System permit for a major discharger of waterborne pollutants into the Little Calumet River and Lake Michigan.

National Pollution Discharge Elimination System permit: Just think about that for a minute. Discharge elimination. What a concept. You know, the rhetorical question would be, When are we gonna get around to that; and what discharges are being eliminated in this proposed NPDES permit for ArcelorMittal Burns Harbor?

The answer is: Well, actually none. The one discharge that's being so-called eliminated from the permit is actually just being transferred into -- as previously mentioned, in an operational permit to the Town of Burns Harbor.

So after 17 years it's come to commenting on an NPDES permit for a wastewater facility that is incapable of adequately treating toxic pollutants known to be present. And I've included several tables from EPA studies in my comments, which I'll spare you from reading right now.

An integrated steel plant wastewaters from point source categories, such as sinter plant, two blast furnaces, power station, three basic oxygen furnaces, two continuous casters, 160-inch plate mill, a 110-inch plate mill, 80-inch hot strip mill, No. 1 and No. 2 roll shops, hydrochloric acid pickling, cold strip mill complex, alkaline cleaning, and hot galvanized coating.

Now the reason I say that it's incapable of that is you have to understand something about this treatment plant.

This plant was constructed in the early '60s, prior to the Clean Water Act. The industrial wastewater treatment plant at Arcelor Burns Harbor is also incapable of equalizing or treating the conventional parameters, such as temperature, and nonconventional and/or toxic wastewater pollutants such as ammonia and phenols.

So the answer is to give another continuation of the variances after 17 years. Actually, the variance request dates clear back to November 23rd, 1983, for this particular variance.

So what is the purpose of the variance? Shouldn't the purpose of any variance be to provide time to allow for an effective effort to clean up the water pollution? How long should that take? Years? Decades? Forever, as long as any excuse can be made regardless of the best available technology for the making of iron and steel or the treating of the pollution thereof? Why should any variance even be considered when there is no ongoing effort to stop discharges of these inadequately treated steel mill pollutants? It's business as usual and then some.

The Indiana Code specifically talks about variances. Normally variances granted by the commissioner are not to exceed one year; and, also, part of the criteria under IC 13-14-8-9 is to meet the requirements of 40 CFR, part 132, appendix F, procedure 2.C. Now 2.C has a second part to it,

which says that in addition to the recurrence of C.1 above, the permittee shall also show that the variance requested conforms to the requirements of the State's or the Tribe's antidegradation procedures.

Now we just heard that the antidegradation evaluation is not necessary in this permit, but I beg to differ because the law says different. In addition, there's supposed to be characterization of any increased risk to human health and the environment associated with granting the variance. The permit, as proposed, does not meet antidegradation procedures and requirements.

The Indiana Department of Environmental Management, even with two legislative extensions, has been unable over the last 12 years to develop and implement adequate and legal antidegradation procedures and requirements.

The NPDES permit fact sheet concludes that since there will not be any action taken by ArcelorMittal Burns Harbor, LLC, that results in increased loading or increased permit limits, an antidegradation demonstration is not required. In fact, there are at least two additional loadings which will have additional impacts, one being the discharge from ArcelorMittal Burns Harbor Deerfield Landfill, which did not exist and still is not built; and, two, the discharge from the water cannon.

Now we've heard about flow monitoring on the water

cannon. In order to put flow monitoring on a pipe, it shouldn't take any longer than a day. This is simple stuff that's done every day in the steel industry in order to maintain their operations.

In addition, there are other impacts, such as the increased water that is being withdrawn from Lake Michigan for the water cannon to moderate temperature and the increased fish mortality and other organisms that will result from that. Those should be taken into consideration.

Also, the actual timing of the sinter plant's connection to the Burns Harbor industrial wastewater sewer system and subsequent modifications that have taken place to the sinter plant wastewater system should be suspect and examined as potential additional loading. This is especially true given that the nature of sinter plant wastewater characteristics and pollutants, including high levels of heavy metals such as lead, etc., and persistent and biocumulative pollutants such as dioxin and dioxin-like compounds.

So I have here a document called Practical Solutions for Optimizing Steel Wastewater Treatment Plants. This is from September of 2001, so it's a little dated. But I just wanted to read just one part of this here. It says, Many steel mill wastewaters are contaminated with soluble metals

that must be removed prior to discharge. Aging treatment plants that were not designed and built with the latest technologies and equipment may now be faced with inadequate treatment capabilities.

So this is why we have to have variances, because this plant is not capable of treating these wastes to meet current water standards.

In addition, we have some confusion in the permit and fact sheet over our discharges. The discharge into the Little Calumet is through discharge 001. The 1988 NPDES permit makes it clear that Outfall 0011 is a monitoring station of 0011. The 1988 NPDES permit states that effluent from the secondary wastewater treatment plant, which consists of treated, processed wastewater from the Burns Harbor plant, is discharged through this monitoring station.

Page 4 of the NPDES permit fact sheet is in error and states that the effluent from the SWTP is further treated in two effluent polishing lagoons prior to being discharged through Outfall 011. It should be Outfall 001, not 011.

The point of compliance for the permit discharge limitation pertaining to Outfall 011, which is the wastewater treatment plant, should be at the final wastewater treatment plant's point of process discharge prior to any dilution or mixing of non-contact cooling

waters in storm water discharges. Just because you call something a secondary wastewater treatment plant does not make it true.

The secondary wastewater treatment plant is not a secondary treatment facility as commonly understood and defined within the wastewater treatment industry and as classified under Indiana Administrative Code 327 IAC 5-22-5. Secondary wastewater treatment commonly follows primary treatment and involves biological treatment processes such as activated sludge, trickling filters, or rotating biological contactors. This is something that ArcelorMittal's Burns Harbor secondary wastewater treatment does not have.

The secondary wastewater treatment plant only utilizes primary treatment followed with a chemical lime precipitation and sedimentation process. The industrial wastewater treatment plant does not utilize any secondary or tertiary treatment process other than a lagoon, and any biological treatment that takes place is by chance rather than by design. It is a poor substitute for an actual secondary or advanced tertiary treatment facility.

To refer to this industrial wastewater treatment plant as a secondary wastewater treatment plant in the permit is a misrepresentation of the industrial wastewater treatment facility's proper classification and capabilities in

treating industrial wastewater. Basically, we have oil and grease separation followed by coagulation and flocculation and sedimentation and settling clarifiers and the lagoons.

Now primary treatment efficiencies normally range about 30 to 50 percent for suspended solids. The question I'm asking is what are the treatment efficiencies of the ArcelorMittal Burns Harbor industrial wastewater treatment plant?

The massive dilution of 34 million to 63 million gallons per day from non-contact cooling waters and storm waters provides another misrepresentation of the actual water quality of the approximately 74 million gallons discharged from the industrial wastewater treatment plant. How many years does it take to realize that a primary and chemical treatment plant -- wastewater -- built in the early '60s cannot meet today's water quality standards for the Little Calumet River and Lake Michigan? When will we actually see iron and steelmaking process discharge elimination or actual secondary and/or advanced tertiary treatment of ArcelorMittal Burns Harbor's industrial wastewater?

Now I've included several charts in here of -- from early studies that were done by EPA when we first looked at steel plants to figure out what the heck was in the wastewater. These were done in the early '80s. And I'm not

gonna read all of them, but I will go through just one and that is the sintering. And here are some of the toxic pollutants known to be present in sintering operations: benzene; chloroform; fluoroethane; 2, 4-Dinitrophenal; benzo(a)anthracene; benzo(a)pyrene; picene; pyrene; tetrachloroethylene; arsenic; cadmium; chromium; copper; cyanide; lead; nickel; selenium; silver; thallium; and zinc.

This plant that we have is not capable of treating those organic wastes. It does a halfway decent job of precipitating out dissolved metals, but it has no designed capacity to treat organic wastes that are known to be present throughout the steelmaking process.

Now, on the other hand, ArcelorMittal is setting an example for the discharge elimination in zero discharge; however, it's not being done here in Indiana. Here are a couple of examples to consider. If you go on the web and you look up ArcelorMittal's Sustainability Report of 2008, entitled How Will We Achieve Safe Sustainable Steel?, you'll find a statement on page 21, labeled as page 34 in the print, that ArcelorMittal has eight sites in Brazil, Spain, South Africa currently operating with zero effluent, zero discharge, eight sites.

In another report, Making Steel More Sustainable - Water, for the sustainability report in Brazil, page 22,

labeled page 20 in the print, it says, ArcelorMittal is reusing practically all of the water used in industrial processes. Average recirculation reached 98.12 percent, and effluent discharge lower than 0.06 cubic meters per ton of raw steel.

That just goes to show what you can do if you really want to. Why don't we see a similar level of commitment by ArcelorMittal here on the shores of Lake Michigan? Why doesn't IDEM require such levels of commitment from ArcelorMittal in its permit conditions for the Burns Harbor plant?

ArcelorMittal has demonstrated what can be done sustainably elsewhere in the world. Doesn't the sensitive nature of Lake Michigan's natural fresh water resources deserve the highest level of protection possible? ArcelorMittal Burns Harbor must be, at the very least, held to best available technology standards instead of continuing granting discharge variances. A federal law from the Harbors and Rivers Act when the Port of Indiana and Burns Harbor plant and Midwest plant were established requires that. That's federal law. And we've never lived up to that.

The fact that there's been nearly a dozen NPDES permit violations in the last four years is further proof that the current industrial treatment plant is inadequate to meet the

requirements of state and federal laws and regulations. It's alarming but comes as no surprise that IDEM'S apparently taken no enforcement actions concerning these violations.

I believe that Mitch Daniels may have finally admitted to how the Indiana Department of Environmental Management has been operating under his administration when he wrote in the Wall Street Journal article on September 8th, We should offer a freedom window. Might we try some sort of regulatory forbearance period in which the job-killing practice of agonizingly slow environmental permitting is suspended, perhaps in favor of a self-certification safe harbor process? Businesses could provide -- proceed with new job creation immediately based on plans that meet current pollution or safety standards or use best current technology, subject only to fines and remediation if a subsequent look-back shows that the promised standards were not met. Mitch Daniels, Governor of Indiana.

I believe the long-term results will be that industry in Indiana, including the steel industry, will be less competitive in domestic and world markets because of a lack of incentive to innovate and modernize their manufacturing processes. Better efficiencies mean less pollution and broaden profits.

Where is IDEM at encouraging improvement,

implementation of advanced technologies, and requiring replacement of antiquated processes with proven efficient ones in use elsewhere around the world?

Now there are several other deficiencies in the fact sheet and permit. In the facilities description, section 2.1 general, it states that by-product coke plant process wastewaters are not discharged to surface waters at the Burns Harbor plant. In fact, waste ammonia liquor, produced from quenching coke oven gas can readily contaminate so-called non-contact cooling waters when spiral coolers fail and leak. This has been implicated in fish kills at Outfall 002 in the past. The spiral cools have no secondary containment.

Another discharge from the facility exists between Outfalls 002 and 003 and is from the processing of slag. Now this is done by a contractor on the site, but that facility is integral to the operation of the plant and should be included in this permit. The plant cannot operate without the removal and processing of slag. This water is being discharged directly to Lake Michigan via underground conduits and ditches.

In section 2.3 of the wastewater treatment plant description, page 10, the NPDES fact sheet states, The sinter plant blast furnace recycle system consists of, etc., etc. The sinter plant and blast furnace are two separate

facilities with separate pollution control and wastewater systems. This is also noted in a letter from IDEM to Bethlehem Steel dated January 7th, 1986, that states, Blast furnace and sintering operation wastewaters are recycled in separate systems. So we need to clear up the confusion.

And the point at the sinter plant discharge 111, the point of compliance should be at the sinter plant scrubber discharge, not after, once again, we dilute it with all these non-contact waters and process water from the blast furnace.

This confusion is repeated on page 25 where there's some confusion about the alkaline chlorination wastewater treatment system. That system is particular to the blast furnace system, not the sintering plant, and is only used when there is startup and shutdown of the blast furnace because of cyanide.

Outfall 009 should have numeric and narrative limits considering the close proximity of steel mill waste piles from the iron and steelmaking process. These open dump piles of steel mill waste have no liner, no cover to prevent Aeolian transport, physical erosion, storm water transport, and leaching of contaminants in subsequent discharge via groundwater and/or the Outfall 009.

The schedule of compliance section 6.2 on page 57 of the fact sheet states that ArcelorMittal does not

intentionally introduce mercury, copper, zinc, silver at the Burns Harbor plant as raw materials, process additives, alloying elements, or any significant matter in the basic steelmaking or steel finishing processes. Presence of these materials in Outfall 001 effluent at trace levels is likely due to a combination of factors including trace quantities in materials used at the plant at deposition storm water runoff and others; however, the exact sources are currently unknown. Now that's just -- that just doesn't even pass the smell test. Okay?

As previously pointed out, there are all these studies done by EPA in the early '80s which identified which processes these pollutants are known to be present in. We know where these things come from. It's no secret. It's not unknown. What is unknown is when ArcelorMittal will upgrade their treatment plant so they're capable of actually treating these steel mill pollutants adequately.

I'm gonna skip all those charts. The purpose of storm water evaluations, especially in consideration of discharge 002 in the storm water pollution prevention plan, should include air deposition and transport via storm waters. And the following should also be considered, and that's emissions from the coke oven process.

There's also in the fact sheet on page 75, it says, As a result there's no significant storm water runoff from

these material storage areas, which include raw materials and steel mill waste open dump piles. The increased surface area and height of these storage piles includes piled open dump steel waste increases both the infiltration and the runoff velocities respectively. Given that there are no storm water collection structures in the storage yards, runoff is currently uncontrolled and flows to whatever downgrade path of least resistance is available, which is ultimately toward or into Lake Michigan via surface or groundwater flows.

Storm water sewage discharge system throughout fall -- excuse me. The storm water sewer system discharge through Outfall 002 should be suspect given the large amount of air deposition of contaminants. Such particulates from the coke oven, sintering plant, and blast furnace processes which can be washed into the storm sewers and subsequently diluted out below detection limits due to the massive volume of non-contact cooling water mixed into the discharge of 002.

And this NPDES permit must be comprehensively addressed to all toxic pollutants known to be present in wastewaters and presently present in storm water from ArcelorMittal's Burns Harbor plant. The storm water pollution prevention plan must also consider all toxic pollutants known to be present at this facility, their transport and fate. Additional parameters, including where applicable,

continuous monitoring and reporting for the following should have been included in the permit's conditions and limitations: pH, temperature, specific conductants, dissolved oxygen, suspended solids total, dissolved solids total, chemical oxygen demand, suspended and/or emulsified oil and grease, cadmium, lead, iron, which is a great indicator for how well the treatment plant is actually operating, manganese, volatile organics total, and dioxin and dioxin-like compounds.

MR. HIGGINBOTHAM: Hey, Larry.

MR. DAVIS: I'm done.

MR. HIGGINBOTHAM: All right. I thought (Indaudible) response and then stop and bring you back up after --

MR. DAVIS: No, I'm done. That's all I have for today. Thank you for this opportunity.

MR. HIGGINBOTHAM: Our next speaker is Kay Nelson.

MS. NELSON: Good evening. My name is Kay, K-a-y, Nelson, N-e-l-s-o-n. I'm the director of Environmental Affairs for the Northwest Indiana Forum. And first I would like to say thank you very much for the four and a half hours of quality time that you all spent with us last week going through the details of these permits for both U.S. Steel and Arcelor that we're discussing tonight.

Thank you for the opportunity to formally comment on the issuance of the proposed ArcelorMittal Burns Harbor

NPDES permit.

The Northwest Indiana Forum is a regional nonprofit economic development organization servicing members in Lake, Porter, LaPorte, Jasper, Starke, Newton, and Pulaski Counties. Our membership focuses their attention on retention and creation of quality jobs in Northwest Indiana for our residents to sustain and enhance our environmental quality -- environment and quality of life. Protection of the environment while enhancing the region's global competitive position is a high priority for all of our members.

Receipt of technically, scientifically, and legally based environmental permits are crucial to our nation's quality of life and global competitiveness. American businesses must be certain that the state and federal regulatory agencies execute their roles and responsibilities in a fashion whereby the receipt of environmental permits allows the continuance or expansion of a facility to occur without interruption following permit issuance. Referred to as permitting certainty, the lack of such certainty can negatively impact operational and investment decisions related to long-term capital improvements and expansion projects.

As such, the Northwest Indiana Forum supports the issuance of quality environmental permits by IDEM such as

the one being proposed here tonight for the ArcelorMittal Burns Harbor NPDES permit.

Thank you for the opportunity to provide our comments.

MR. HIGGINBOTHAM: That was the last appearance card I had, so I didn't know if during the process if there was anyone else who would like to get up and speak and comment on this permit. All right. Well, if that's not the case, then I will go ahead and close out this hearing.

And, again, just a reminder, as of now the comment period ends on the 27th of December, so any written comments that we need to receive would need to be postmarked by that date. If for some reason that date changes, I'll be sure -- they'll be sure to let folks know, and there will be a public release on that as well.

So, again, thank you for coming tonight. We appreciate your input on this permit. Thank you.

(The recording ends.)

STATE OF INDIANA)
)
COUNTY OF LAKE)

REPORTER'S CERTIFICATE

I, TERRY M. PICKERING, do hereby certify and state that the above and foregoing 53 pages is a true, correct, and complete transcript of the recorded Public Hearing held at the Northwestern Indiana Regional Planning Commission, 6100 Southport Road, Portage, Indiana, regarding the Draft NPDES Permit for Discharge into Navigable Waters, recorded on said date, written stenographically from the recording and transcribed by me from my stenotype notes and reduced to typewriting.

I further certify that I am not related to, employed by, or interested in any party in these proceedings.

IN WITNESS WHEREOF, I hereby affix my name and seal this 17th day of January, 2011.

Terry M. Pickering

TERRY M. PICKERING
Court Reporter and Notary Public

SEAL

My commission expires August 30, 2015.